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Summary record of the 198th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 15 April 2015, at 3 p.m.

Chairperson: Mr. Basharu
later: Mr. Ruskus
later: Ms. Peláez Narváez
later: Ms. Cisternas Reyes (Chairperson)

Contents

General comments and days of general discussion (*continued*)

Day of general discussion on the right to education of persons with disabilities (continued)

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Mr. Basharu took the Chair.

The meeting was called to order at 3 p.m.

General comments and days of general discussion (*continued*)

Day of general discussion on the right to education of persons with disabilities (continued)

Interactive panel on non-exclusion on the basis of disability, reasonable accommodation and access to inclusive education systems

1. **The Chairperson** invited the panel members who had not spoken at the previous meeting to make their statements.

2. **Ms. Quinlivan** (National University of Ireland) said that, as there was no definition of inclusive education in the Convention, there was no clear vision of an inclusive education system towards which States could aim. What was currently being described as inclusion was in reality something very different, and not always desirable. In her own country, Ireland, education policy was underpinned by legislation that supported mainstream education. That presumed that all children were educated together. However, while there had been undoubted improvements in resource allocation for students with disabilities, there was also a very clear trend towards integrating special classes into the mainstream, a tendency it was hard to describe as inclusion. According to a 2014 report commissioned by an Irish national body on special education, many students in special classes in primary and post-primary education spent most of the school week together as a group, which meant that assignment to such classes was relatively permanent. Thus, with no proper vision of inclusive education, Ireland had a system that was integrated, but where in effect children with disabilities were segregated within the same educational campus as other children. The system was therefore arguably still discriminatory. That was the case in many countries.

3. One way to challenge systemic educational discrimination was through the ranking systems for schools and universities. University rankings, for example, were based on criteria such as the number of peer-reviewed articles published and the amount of research income brought in. There was no assessment of inclusiveness or equality. Incorporating those criteria within ranking systems would incentivize educational institutions to work towards the goals of inclusiveness and equality because it was in their own interests to do so. The treaty monitoring bodies might wish to work together to that end.

4. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights (OHCHR)), drawing participants' attention to the OHCHR report on the right of persons with disabilities to education (A/HRC/25/29), said that OHCHR supported a systemic approach to the right to education, one where all students were equally valued and recognized as substantive contributors to the educational process, irrespective of their social condition, gender, sex, ethnic origin, nationality or impairment.

5. While the implementation of inclusive education systems was subject to progressive realization, as recognized by article 4, paragraph 2, of the Convention, the Convention also provided, in article 24, for two substantive anti-discrimination measures to ensure the enjoyment of the right to education immediately, namely, the "non-rejection" clause and the provision of reasonable accommodation.

6. The non-rejection clause clearly implied that no measures or schemes in place should result in denial of students' right to choose to pursue their education in regular public education facilities. States parties could not adopt laws or policies that forced

students to study in special schools if they opted for integrated or inclusive settings. That was a measure of non-discrimination and, as such, of immediate realization. The non-rejection clause was applicable on an individual basis and not subject to reasonableness tests.

7. States that did not yet have the support services needed to effectively realize the right to education for certain students with disabilities must provide reasonable accommodation in order to ensure the realization of that right. Again, as a non-discrimination measure, reasonable accommodation was of immediate realization. States must ensure that education providers arranged for reasonable accommodation on request.

8. There was as yet no objective test of reasonableness, but some of its elements could be derived from the *Jungelin v. Sweden* case and comparative law and could be taken into account in the proposed general comment on the right to education of persons with disabilities. Among other points, the State should identify the duty bearer in law and policy, in order to avoid posing undue burden on the student to request reasonable accommodation; the duty bearer and the right holder should engage in an interactive dialogue in order to identify the necessary accommodations; and the law should reverse the burden of proof so that it was for the duty bearer to prove either that the requested accommodation was irrelevant for effective access to inclusive quality education or that it was out of proportion to what was necessary.

9. Lastly, both the non-rejection clause and reasonable accommodation must be enforceable through free administrative or judicial procedures.

10. **Mr. Mitra** (United Nations Children's Fund (UNICEF)) said that reasonable accommodation was a key policy tool in enhancing access and learning outcomes for children with disabilities. Its operation depended, however, on a network of interconnected components. What was needed was to build an ecosystem of reasonable accommodation taking in all the actors within the education system — teachers, school management, and local and district authorities, right up to the national education ministry — with responsibility for ensuring reasonable accommodation: any break in the chain could result in reasonable accommodation not being available. One example was examinations. In many countries extra time was granted to children with disabilities but in an arbitrary way, and there were frequent complaints that the time allowed was not adequate. In addition, there were rules stating that, if a child needed a writer, the writer should be one or two grades below the candidate's level and not from the same technical area: thus, the candidate would have less time and a writer who did not understand the technical terms used in the examination. Flexible assessment systems were a vital part of reasonable accommodation.

11. Reasonable accommodation required a multisectoral approach. A child needing an assistive device, for example, often needed a disability certificate from the health department, the device itself was provided by the social welfare department, and for transport to school to use that device the child relied on the transport department. Only through systematic coordination could reasonable accommodation be operationalized.

12. As to access to appropriate learning materials for children with disabilities, research indicated that teacher training and textbook provision were two of the most effective ways to enhance learning outcomes. Yet, not only did educators not know how to teach children with disabilities, but very few textbooks available to such children actually made sense to them. The digital technology revolution, however, meant that books could be adapted to meet the learning requirements of children with different impairments. The cost of adaptation was marginal as a proportion of public funding for textbooks. The general comment should address the issue of making textbooks accessible using technological innovation, so that books were available in sign language, in simplified versions, in audio and in text. That was a means of making inclusive education a reality.

13. **The Chairperson** invited comments from the floor.

14. **Mr. Preobrazhenskiy** (Council of Europe) said that the European Committee of Social Rights, the monitoring body of the European Social Charter, had considered two collective complaints against member States relating to the right to education. One had been brought against Bulgaria and related to children with intellectual disabilities and the other was against France and concerned children with autism spectrum disorders. Both the cases highlighted the disparity between the proportion of children with disabilities receiving education and that of the overall population. In both countries a legislative framework was in place, which meant that it was proper implementation that was lacking. Indeed, it was clear from country reports to the Committee, in which States often referred to "integration into education", that there was still a poor understanding of the concept of inclusion. The Council of Europe therefore welcomed the prospect of a general comment on the subject.

15. **Ms. Almeida** (Down Syndrome International) said that resistance to inclusive education was not a matter of economic resources but was rather a question of political decisions and attitudes. That was borne out by her personal experience. Her own 10-year-old daughter had Down syndrome and the family had lived in four different countries, two of them developed countries and the other two developing countries. Her daughter had had access to inclusive education in Brazil and in the United States, where she had learned to read. In the Bolivarian Republic of Venezuela, however, the family had been unable to find a school for her, whether public or private, regular or special, and for that reason had had to leave the country. In Switzerland, where the family now lived, seven international schools and five other private schools had turned her daughter down, and after a lengthy evaluation process the public education system had placed her, for the first time in her life, in a special school an hour away from the family home.

16. **Ms. Pignard** (Alliance Autiste) said that she was an autistic self-advocate. She wished to describe how, instead of providing adaptive schooling for children with disabilities, the French State continued to segregate them from the community by concentrating them in institutions that were unable to fulfil the right to education. That had been confirmed by the Council of Europe in its numerous findings against France. Only 20 per cent of autistic children were in mainstream school in France; 80 per cent were in institutions or had been deported to Belgium.

17. In one recent example, a 15-year-old boy had been scheduled to go to secondary school for the current school year, but the service responsible for development of children with disabilities had then decided to place him in an institution. On his first day at the school, he had been physically barred from entering by the head teacher. When finally accepted some days later, he had been set apart from other pupils in an empty room. After that, various authorities had started colluding, with the specific aim of placing the boy in an institution. The family had then moved to another area to escape persecution but to no avail, and had finally moved to Germany, since the French State appeared bent on placing the boy in an institution.

18. **The Chairperson** invited Ms. Richler to sum up the panel discussion.

19. **Ms. Richler** (Inclusion International) said that a strong message had been sent to the Committee to the effect that Governments needed clear guidelines on the meaning of inclusive education under article 24. Governments were using various options and referred to mainstreaming or integration and sometimes even inclusion, but what they were providing was not up to the standards all the speakers had mentioned.

20. As to reasonable accommodation, the system needed to accept that it was responsible for educating all children seeking to enrol, and then that additional support was required in the form of reasonable accommodation for specific students. There was no excuse for building new schools that were not accessible and it was not reasonable

accommodation to attribute the cost of putting in an elevator or ramp to one student: those should be basic elements in all schools, in order to include all students. Similarly, the opportunity to be educated in one's native language, whether that was the country's main language or sign language, should also be a given. What was needed was to establish the bare essentials of an inclusive system and then set forth guidelines on reasonable accommodation.

Interactive panel on support for inclusion in the general education system and individualized support measures

21. *Mr. Ruskus took the Chair.*

22. **Ms. Van Wijnen** (InISchool) said that her organization, which was based in the Netherlands, promoted all children's right to go to the same neighbourhood school. Among other things, it challenged violations of the right to inclusive education in court, thereby working towards lasting change in the education system in the Netherlands, inspired by the Convention. The Netherlands had not yet ratified the Convention and the Government did not want to change the system or the law, which operated by exclusion and segregation. However, research and jurisprudence appeared to bear out her organization's views on inclusive education.

23. Legal experts had concluded, for example, that in international law — not only under the Convention, but also according to the Convention on the Rights of the Child — States parties were legally obliged to offer accessible and inclusive education at all levels to every child. Exclusion and segregation, as well as denial of reasonable accommodation and accessibility in mainstream education, violated both Conventions. Such legal opinions, which interpreted the content of human rights treaties and compared them to domestic law, were of great value, for where there was no right to inclusive education in domestic law, the only recourse was to the international treaties.

24. Research into good practice had identified various success factors for inclusive education. For example, it was essential to celebrate diversity throughout the school. In addition, the school needed to be a community whose members learned with and from each other, teacher to student, student to teacher and peer to peer. The main question for teachers was how to support every learner in achieving success. Exhaustive research had shown that the presence of learners needing extra care in mainstream schools did not negatively affect overall results, either in primary or in secondary schools. It had also shown that children with an intellectual disability had better outcomes in mainstream schools than in special schools and that the longer learners stayed in special education the worse their results in spelling and in IQ tests.

25. The points she would hope to see in the general comment included, first, a clear statement that article 24 proclaimed the right to inclusive education for all children. No child should be tested to establish whether or not he or she should be granted access to a school. A statement was also needed about the negative impact of segregated education on children's opportunities, self-esteem and dignity. The general comment should draw attention to the core purpose of education and stipulate in particular States parties' obligation to invest in accessibility in all schools without waiting for an individual to request accommodations. Lastly, it should state that the reasonable accommodation clause was not to be used as an excuse to exclude children while mainstream schools remained inaccessible.

26. **Mr. Rieser** (World of Inclusion and Disabled People's International (DPI)) said that DPI, a cross-impairment organization with representative national councils in 140 countries, had been at the forefront of the paradigm change in the way disability was viewed and had helped set the stage for the adoption of the Convention. Previously, disability had been

considered a personal problem, to be fixed, and not a social problem involving barriers, culture and organization. That shift in paradigm underpinned the entire Convention and was clearly reflected in article 24.

27. During the drafting of the Convention, some had argued for the right to choose segregation in education, a position which had since, thankfully, been largely abandoned. The Convention, however, was still the product of the opinions and discord prevailing in the period in which it had been drafted. It thus lacked a definition of inclusion, which was a serious drawback. The Committee could now very usefully address that shortcoming.

28. A study done for the Commonwealth on the implementation of article 24 in 70 countries had shown that many Governments throughout the world had neglected to consult organizations of persons with disabilities on the matter and had failed to provide for disability equality training, which was a vital element in securing the paradigm shift, since an understanding of the social model of disability was not intuitive.

29. Neither the old, traditional view which denied the rights of persons with disabilities, nor the medical model which segregated and more or less warehoused them, nor simple integration in existing schools was acceptable. Inclusive schools had to be different, with staff, parents and pupils valuing diversity and support made available so that all could thrive, both academically and socially. That would require a reorganization of schools, not of individuals.

30. He had taken part in a study for UNICEF of teacher training for the education of persons with disabilities, involving inter alia a survey of over 1,000 educationalists. The study had helped to change the focus of efforts in that area from the provision of special education for children with disabilities to the development of inclusive schools. For that to work, teachers had to be properly trained, which, in many parts of the world, would mean abandoning the "chalk and talk" top-down approach of educators and adopting child-centred learning, bringing children to collaborate in classroom activities. That was a big challenge, particularly in many developing countries, where the fundamentals of education would be called into question.

31. It was necessary to empower young people to understand the origins of oppression of persons with disabilities. In addition, teachers had to receive training to allow them to constructively educate individuals with different kinds of impairment. It was not enough to advocate for inclusion if teachers were unprepared and the required teaching materials were not available. The Committee should recommend mandatory training, not just as part of pre-service instruction, but also during teachers' careers. The study had found that the use of cascading train-the-trainers approaches was not as effective as mandatory direct training of teaching personnel. Such training could be dispensed by local universities or colleges and should involve some accreditation of increased qualification, accompanied by commensurate increases in remuneration, reflecting the high value associated with the new skills. Teachers in many countries were woefully underpaid, and it was for States to correct that situation. For education to be inclusive and effective, it had to receive adequate funding.

32. **Ms. Hunt** (Senior Inclusive Education Expert) said she agreed with those who had intimated that the debate about what constituted inclusive education must give way to decisive, holistic and transformative action. Inclusive education was not just about children with disabilities; it was a question of ensuring quality education for all. It must not be equated with integration or mainstreaming.

33. In reality, even countries with exemplary regulatory frameworks on inclusive education faced serious challenges in implementation that often led to the perpetuation of segregation. What was needed was clear, concise and practical guidance on implementing article 24 of the Convention and, better still, the empowerment of those in the classroom — teachers and students — to take action themselves. The guidance needed to focus on beliefs,

attitudes, knowledge and skills of teachers working with all children, not just those with disabilities. It should ensure the excellence of teaching staff, who were at the forefront of change. It must help to instil in teachers a positive attitude towards social change. It must facilitate the sharing of knowledge to foster implementation of inclusive education, breaking down the barriers that had for 100 years been erected between specializations. Teachers had to be trained in ways to differentiate instruction, respond to needs and build on the strengths, dreams and aspirations of all their students.

34. Universal design for learning, differentiated instruction, cooperative teaching and learning, positive behaviour management, multidisciplinary team-building and decision-making, information and communication technologies and assisted technologies were all important elements of inclusive education, which must not be seen as an add-on to existing systems.

35. **Ms. Sukharaj-Ely** (South African Council for the Blind), speaking on behalf of the World Blind Union (WBU) and the International Council for the Education of People with Visual Impairment (ICEVI), said that unlike children with other disabilities, who could with minimal adjustments be successfully included in mainstream schools, those with visual impairments required unique learning, teaching and assessment methods in order to have access to inclusive education. Such learners presented diverse needs resulting from their particular eye conditions, capabilities and overall circumstances. They required not only physical access to schools, but also a flexible and adaptable curriculum, which was often lacking, especially in mathematics and science. To be independent, such learners must have a specific skill set, including knowledge of Braille, orientation and mobility capabilities, and a unique set of social skills.

36. Reasonable accommodation had to be provided throughout the educational process. For example, alternative assessment methods must be made available when necessary. Unfortunately, countries currently lacked guidelines on how to do so, as well as qualified human resources.

37. The provision of specialized support was a contentious issue. Some advocated the provision of such support entirely in mainstream schools, while others considered that there was still a role to be played by specialized centres, as learners with visual impairments at mainstream schools often encountered situations where technological assistance, Braille and large-print textbooks were lacking and teaching staff were unqualified and unprepared to provide them with instruction. Even in countries with decades of experience in mainstreaming such children, research had shown that they often received materials late or only partially, were taught by untrained ancillary staff, had insufficient orientation and mobility support, and were socially isolated, bullied and excluded; furthermore, responsibility for providing specialized support was perceived as being outside the realm of the mainstream system.

38. The maintenance of two parallel systems of mainstream and special education schools allowed the mainstream institutions to stagnate in their inclusion efforts and severely restricted any progress. The key issue was not where support services were based per se, but rather that they must be embedded in the concept of inclusion.

39. WBU and ICEVI had in 2006 initiated a campaign to ensure education for all visually-impaired persons, but 90 per cent of such learners still received no education at all. Clearly, States parties were struggling with the implementation of article 24 of the Convention. The measures they were adopting amounted to stand-alone policies that left the core education policies unchanged, which amounted to special education under a different name. Furthermore, most such measures focused on basic education. Early-childhood education and early identification and intervention were essential to ensuring successful inclusive education but were currently given no attention, and there was no focus on post-secondary and higher education, including vocational training.

40. Some argued that the special support services, technology and human resources for inclusive education were too costly, especially at a time of cutbacks, when priority must be given to maintaining other social services. Clearly, States needed to be encouraged to take ownership of inclusive education. They should have time-bound, constantly implemented inclusive education plans. Technology strategies should be developed in both developed and developing countries, as technology provided a powerful tool to grant visually-impaired students access to school curriculums. Lastly, experience had shown that the introduction of inclusive education was an ongoing process. Further research and investigation were required to ensure the use of best practices.

41. **Mr. Cobeñas** (Asociación Azul) said that at the age of 6 he had attended a special education school but had not received any education there because he had been labelled as unmotivated and incapable of being taught. His mother had subsequently begun to look at how children in his situation were educated in other parts of the world. She had eventually found out about augmentative and alternative communication (AAC) systems and had begun to use one to educate him. At the age of 9, he had thus been able to enter a mainstream school that provided some specialized services and had begun to feel more supported. However, that support had come from his family.

42. His memories of the teachers at the special education school were that they instilled fear and placed barriers in his path. The experience had been humiliating and extremely painful. He had felt much more at ease at the mainstream school, and he considered that his presence had been beneficial not only to his classmates, but also to his teachers, who had learned how to teach more effectively. He was currently studying at university and planned to concentrate on linguistics in order to find out more about AAC techniques and theory. Without such techniques, he could never have obtained an education.

43. He had a clear idea about some of the steps required to facilitate the introduction of inclusive education. The needs in terms of support and assistance must be clearly articulated and explained. Groups of students with disabilities should be supported and encouraged to work with the teaching staff, who must be trained, and the staff and the authorities must be shown how inclusive education worked. The struggle to provide inclusive education must continue.

44. **Ms. Martinez** (Human Rights Watch) said that Human Rights Watch had conducted investigations on the right to education for people with disabilities in numerous countries. It had found that, although many Governments advanced claims of near-universal enrolment in primary education, children with disabilities faced significant barriers and discrimination and constituted the largest group of out-of-school children. Many such children dropped out owing to a lack of reasonable accommodation, discrimination or the poor quality of the education they received. Such barriers affected children at all levels. At the secondary level and in higher education and vocational training, people with disabilities were hardly visible, and the resources required to ensure inclusion were often lacking or not given priority.

45. Two groups of children were especially neglected: those with intellectual or multiple disabilities, who often entered the education system late and with limited exposure to early stimulation or education; and adolescents and young adults with disabilities, who often dropped out owing to a failure to obtain a quality education at the primary level or because of a lack of reasonable accommodation when advancing to higher levels of education. For the first group, it was often argued that accommodating them was problematic, as it required more funding, support and time than for other students. Human Rights Watch had concluded that such children were often placed in special schools without any consideration being given to individual special measures that could enable them to learn in inclusive settings. By placing them in such institutions, Governments not only segregated them, but also burdened them with a significant limitation on what they could do later in life. In a number of countries, Human Rights Watch had found that mainstream schools regularly rejected such students, notwithstanding their obligation to find ways to accommodate them. There were very few, if any, efforts to provide incentives for ordinary schools to enrol such

children, for example by increasing the number of staff trained in inclusive education techniques.

46. Even when children with disabilities were enrolled in schools, the education they received was generally not in line with the standards of quality advocated in the various human rights instruments. In the worst cases, they were left to sit or lie in classrooms, with no stimulation or learning. Such children were often unable to complete compulsory education and eventually found themselves in institutions such as skills centres, which offered them no opportunities for empowerment or skills strengthening, but rather a means of remaining in a protective environment. The shortcomings of their previous experience in education left such persons without skills, independence or a sense of self-worth. A typical case was that of an epileptic student who had had to transfer between three schools, had not completed compulsory education and was currently in such a centre, learning to make bracelets and other accessories from beads. The centre, which reported to the social development administration and not the education ministry, was unable to provide catch-up opportunities or even to teach basic numeracy and literacy skills. As was often the case, there was little synergy between government departments.

47. The burden to find schools should not be on parents or children. Governments had a fundamental obligation to address discrimination and ensure that children could be enrolled in the most suitable inclusive learning environment. For adolescents and young people with disabilities, it was for Governments to provide further education opportunities, especially when they had failed to guarantee quality education for them at a younger age. They must also review the quality of the education received by children and young adults with disabilities when they were taught in specialized settings, and the levels of support and teaching received in the general education system.

48. **Ms. Hojsteen** (Disabled People's Organizations Denmark (DPOD)) said that compulsory education in Denmark was in transition, towards a more inclusive system. While her organization worked with school principals, teachers and parents, it recognized that children were the key actors in that process, as social relations were the most efficient vehicle for inclusion.

49. Denmark did not lack resources, but they were not always used in the best way. For example, during years of educational integration efforts, children with disabilities had often literally been placed in the corner of a classroom, isolated behind the barriers constituted by assistive devices or interacting with classmates only through the special teachers assigned to them. Thus, efforts to ensure inclusion had actually led to exclusion.

50. In that connection, DPOD recognized the importance of carrying out research and providing evidence-based knowledge to ensure that inclusion efforts were properly conceived, and it also considered it imperative to acknowledge the key contribution made by children themselves, both with and without disabilities. It thus worked closely with students' organizations, which had indicated that students wanted to help establish effective inclusive education but were uncertain about how best to proceed. Such uncertainty, not only among students, but also teachers, often made discussion of disability taboo, which was counterproductive. In other situations, children with disabilities had mentioned that sometimes teachers, with the best intentions, focused excessively on their disabilities, at the expense of other aspects of their lives. The shared experiences of the children highlighted the need to ensure an open atmosphere and a measured dialogue about disability.

51. DPOD had heard distressing reports from young persons with disabilities about bullying, isolation and loneliness at school, and it was working systematically to improve the situation. Children with disabilities had pointed to the need for inclusion to extend beyond learning per se, to include extracurricular activities such as excursions and birthday parties. DPOD had therefore established contacts with parents' associations to help ensure that inclusion would be supported both inside and outside the classroom. Establishing lasting relations between DPOD and the various stakeholders was of the utmost importance.

52. **The Chairperson** invited comments from the floor.

53. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) said that, although the Convention did not provide a definition of inclusive education, it did mention some concepts — specifically, universal design, accessibility, reasonable accommodation, individual support and non-discrimination — that were clearly related to inclusive education. It could be assumed that, if all five elements were in place, then schools would theoretically be inclusive. Had such an approach already been analysed, either conceptually or in practical terms? It would perhaps be useful to define the five elements and what they meant for the various groups of persons with disabilities.

54. **Ms. Malaquias** (Advocate and parent of a child with a disability) said that, in her country, Australia, the legal framework purported to provide for inclusive education, but that was in itself insufficient. Over and above adequate resourcing and teacher training, the successful introduction of inclusive education required a culture change among teachers, parents and society as a whole, so as to dislodge entrenched attitudes that had historically led to segregation.

55. In Australia, as elsewhere, a number of barriers continued to support the exclusion status quo, including: a lack of information for parents, teachers and the community on the evidence-based benefits of inclusive education; a tendency for the authorities to espouse the ostensibly acceptable position that it was for parents to decide whether a child was to be educated in a segregated or inclusive setting; and the persistence of the medical model that underpinned the education of students with disabilities, with resources allocated in accordance with medical labels instead of actual functional, educational needs. In addition, the maintenance of dual systems of special education institutions and mainstream schools, which in Australia resulted in funding and resources for children with disabilities being channelled into segregated environments, led to a pernicious situation in which parents were drawn to place their children in non-inclusive settings.

56. Where an inclusive culture was lacking or rare, families would continue to face the grinding, consuming need to advocate for their children's rights by combating both discrimination in the system and subtle discrimination in the culture.

The meeting was suspended at 5.05 p.m. and resumed at 5.10 p.m.

Interactive round-table dialogue

57. *Ms. Peláez Narváez took the Chair.*

58. **The Chairperson** said that, to begin the interactive round-table dialogue, the rapporteurs of the three earlier panels would summarize the main themes that had emerged during the discussions.

59. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights), reporting on the interactive panel on inclusive and quality education systems in law and policies, said there had been a general understanding that inclusive education systems were the way forward, that inclusive education equalled quality education and that inclusive education required a systemic reform of education systems at all levels. It had been recommended that the future general comment on article 24 should contain a very clear definition of what was understood by inclusive education. The need to plan for the transition towards inclusive education systems had also been raised. It had been noted that the medicalization of needs assessment was not helpful, contributed to labelling children at an early stage and did not support their personal development. Children with disabilities should not be obliged to comply with medical procedures, such as taking psychiatric medication, in order to exercise their right to education. The questions that had emerged were whether medically-based needs assessment should be banned completely, bearing in mind that diagnosis could in some cases be a

useful tool, and whether the general comment should include guidance on the elements necessary for the transition from integrated to inclusive systems.

60. **Mr. Tromel** (International Labour Organization (ILO)), reporting on the interactive panel on non-exclusion on the basis of disability, reasonable accommodation and access to inclusive education systems, said it was clear that education was important for everybody in society and that, from an ILO perspective, it was important in order to have access to good jobs. Persons with disabilities must be educated alongside persons without disabilities, as segregated education clearly led to segregated employment. Discrimination in the labour market often occurred because employers had had no previous interaction with persons with disabilities.

61. It was vital to focus on all stages of education; for example, in terms of return on investment, preschool education was one of the most valuable areas, and it was therefore necessary to ensure that it also met the needs of children with disabilities. Quality education was inclusive education, but much still needed to be done to convince society at large of that. Given that more resources needed to be allocated to education in general, the disability movement should align itself with mainstream civil society organizations pushing for increased funding of education. Without a clear vision of inclusive education, however, resources were not enough. Inclusive education should be the only option available; if other options remained, there would always be some experts who advised segregation. The vision should be an education system that embraced diversity in all its forms – linguistic, cultural, disability, gender, ethnic. There was a need to move away from terms such as "special needs education" and "individualized plans", which hampered the capacity to have such a vision. Lastly, it was important to ensure that the future general comment was endorsed by the other United Nations human rights treaty bodies.

62. **Mr. Mitra** (United Nations Children's Fund), reporting on the interactive panel on support for inclusion in the general education system and individualized support measures, said the overwhelming message was that inclusive education was good for all children, both with and without disabilities. There was a need to fundamentally challenge elements that prevented inclusive education from becoming a fully-fledged operational system. The importance of teachers, and of empowering them, had been stressed. The role of students in helping teachers learn had also been highlighted, as had different teaching methods. It was important to acknowledge and tap into the expertise of children with disabilities themselves in order to ensure that systems and support were practical and context-specific. The difficulty in operationalizing inclusive education was due to the existence of different systems, with mainstream schools often not able to develop fully because of the continued presence of segregated schools. The importance of developing strategies to ensure that technology that supported learning was accessible and affordable for persons with disabilities around the world had been highlighted.

63. **Mr. Rieser** (World of Inclusion and Disabled People's International) said the World Bank view that the global education reform movement was the way to bring education to all could impede the current efforts in relation to inclusive education. There was ample evidence — from the United States, Sweden and the United Kingdom, for example — that introducing the market into education was not in the best interests of pupils with disabilities, as privatized education providers could choose their students and often turned away children with disabilities. In addition, the learning metric favoured by those providers focused only on literacy and mathematics. It was therefore necessary to advocate strongly for targets not to be normative but rather to be based on children's development.

64. **Ms. Richler** (Inclusion International) said that attention should be given to the change process and how to move towards a fully inclusive system. Currently, at the two extremes, there were countries with strongly entrenched segregated systems and countries in which many children had been excluded from education altogether and which were just beginning to develop their education systems. In so doing, States must choose between rights-based approaches and strategies that were more focused on efficiency. Guidance

from the Committee would thus be helpful, notably on the time frame for the transition to inclusive education, which must be short, and on actions to be prioritized in dismantling existing segregated systems and building up inclusive ones.

65. **Ms. Blanco Guijarro** (Organization of Ibero-American States for Education, Science and Culture) said that the idea of "special education" suggested that children with disabilities learned in very distinct ways and had very different requirements, which was a potential barrier for teachers, who might feel that they would not be able to deal appropriately with pupils with disabilities. Instead of considering special education as distinct from general education, stakeholders should concentrate on providing quality education with adequate support systems and resource provision for children with disabilities. Rather than diagnosis-based needs assessment, the focus should be on identifying the particular barriers experienced by students in accessing education and on understanding the specific nature of individual students' disabilities and their learning and development needs.

66. **Mr. Jokinen** (European Union of the Deaf and World Federation of the Deaf) said that it was necessary to consider how to draw on the enormous potential within the disability community in order to achieve real change. The Committee should consider how States parties could be encouraged to ensure that persons with disabilities had more opportunities to play a role in the education system. For example, although many deaf people might wish to be teachers, most were limited to working as teaching assistants.

67. **Mr. Chávez Penillas** (Human Rights and Disability Adviser, Office of the United Nations High Commissioner for Human Rights) said that there was a clear need to move forward with the definition of what reasonable accommodation meant in the context of article 24 of the Convention. In addition, complaints mechanisms must be in place to ensure the implementation of the non-rejection and reasonable accommodation clauses in the Convention.

68. **Mr. Tromel** (International Labour Organization) said that, in order to promote systemic change and ensure that policies, such as those of the World Bank, were in line with the needs of persons with disabilities, the disability community must engage with the larger education community in working towards improving the overall education system. He supported the recommendation that the Committee should give guidance on the process of change towards inclusive education; the challenge would be to identify milestones or targets that could be used to measure States' progress.

69. **Mr. Mitra** (United Nations Children's Fund) said that there was now broad acceptance of the principle of inclusive education; the challenge was to put the principle into practice. Stakeholders must identify how to guarantee reasonable accommodation and how to align policies with inclusive education concepts, for example. Practicable solutions must be found to ensure that the principle did not remain dead letter.

Concluding comments and closing remarks

70. *Ms. Cisternas Reyes (Chairperson) took the Chair.*

71. **Ms. Bailey** (Committee on the Elimination of All Forms of Discrimination against Women), noting that the discussion on the right to education had been mostly gender-blind, said that, in analysing barriers to inclusion, a gender lens must be used and that the identification of solutions must be based on a gender analysis of the situation. The issue of harassment and sexual abuse of women and girls with disabilities in educational institutions, which had been overlooked, should be specifically addressed in the general comment, with States parties encouraged to establish clear policies and legislation on the matter.

72. The building of a skilled labour force was a major objective of education and persons with disabilities must equally be prepared for meaningful engagement in paid work. A common concern was that vocational training was not preparing young people with

disabilities for decent jobs or assisting them in accessing the labour market. The general comment must therefore give special attention to that domain by proposing strategies that linked training to real employment opportunities.

73. Dismantling negative attitudes had not emerged as central to the debate. In developing the general comment, the Committee must, however, bear in mind that inequality was not only structural but also ideological. The general comment should include clear strategies for modifying the social and cultural patterns of conduct in the family and in school that ran counter to the principle of the full and effective participation and inclusion of persons with disabilities in society and in mainstream education.

74. **Mr. Cardona** (Committee on the Rights of the Child) said that there was a clear need to improve the understanding of what exactly the right to inclusive education meant. States had an obligation to recognize that all children were different and that it was for the system to adapt to them. Regardless of a State's particular circumstances or level of resources, the key was to be open to, and understand, the concept of inclusive education. The consultations conducted by the Committee on the Rights of the Child in relation to its draft general comment on public spending had shown that the needs of children with disabilities were a priority area, along with children's health and education. Children were aware of the fact that their peers with disabilities experienced discrimination and were demanding that they should be included. In order to achieve that goal, it was vital to have the support of the entire human rights protection system. Noting that persons with disabilities were not represented in any of the other treaty bodies, he stressed that the United Nations itself needed to learn to be more inclusive and needed to view issues with a disability lens.

75. **The Chairperson** said that the Committee had always attached particular importance to article 24 of the Convention and, in its concluding observations, had systematically made recommendations to States parties in relation to quality inclusive education and immediate implementation of reasonable accommodation measures. The Committee was aware that the issue was a sensitive one and, in developing the general comment, it wished to take account of the legal, political, structural, practical and operational aspects required to implement inclusive education systems. The Committee had received 82 submissions on the right to education for persons with disabilities, which, together with the issues raised during the day of general discussion, would be reflected in the general comment. Expectations were high, but the Committee, for its part, was deeply committed to the issue and to helping bring about deep-rooted change. In conclusion, she wished to thank all the participants and those who had contributed to the day of general discussion.

The meeting rose at 6.10 p.m.